

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7951 OF 2006

.....
OFFICE NOTES, OFFICE
MEMORANDUM OF CORAM,
APPEARANCES, COURT'S
ORDERS OR DIRECTIONS
AND REGISTRAR'S ORDERS

COURT'S OR JUDGES
ORDERS

.....
Shri A.M.Kulkarni for the Petitioner.
Shri P.M.Arjunwadkar for the Respondent
Nos.1 and 2.

CORAM : A. S. OKA, J.

DATE : FEBRUARY 13, 2007.

P.C.:

1. By this Petition under Article 227 of the Constitution of India the Petitioner-original Plaintiff has taken exception to order dated 23rd November, 2006 passed by the trial Court by which written statement filed by the Respondents has been directed to be taken on record by setting aside an order passed earlier that suit should proceed without written statement. Advocate for the Petitioner submitted that there was a delay of about 19 months in filing written statement and there is no explanation whatsoever in Application at Exhibit 38 for the said delay.

2. I have considered the submissions. It is an admitted position that the Respondents filed a detailed reply at Exhibit 13 to the Application for temporary injunction. The order passed on Application for temporary injunction was carried up to this court. Considering the facts of the case, there is no reason to interfere with the discretionary order passed by the trial Court. The trial Court has compensated the Petitioner by ordering payment of costs. No case for interference is made out. Petition is rejected.

JUDGE